

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM**

**ARIZONA LONG-TERM CARE SYSTEM**

**PREAMBLE**

**1. Sections Affected**

R9-28-508

**Rulemaking Action**

New Section

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 36-2951

Implementing statute: A.R.S. § 36-2951

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 4193, November 7, 2008

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Mariaelena Ugarte

Address: AHCCCS

Office of Legal Assistance

701 E. Jefferson, Mail Drop 6200

Phoenix, AZ 85034

Telephone: (602) 417-4693

Fax: (602) 253-9115

E-mail: AHCCCSRules@azahcccs.gov

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The legislature in SB 1329 created A.R.S. § 36-2951 to provide requirements for self-directed attendant care (SDAC) services. The Administration is proposing rule language to describe the requirements a person must follow in order to provide or receive SDAC services.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the**

**rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

A study was not referenced or relied upon when evaluating and creating regulations for the SDAC services.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**8. The preliminary summary of the economic, small business, and consumer impact:**

The Administration anticipates a minimal economic impact on the implementing agency, small businesses and consumers. Other attendant care options are available to the member in addition to the Self-Directed Attendant Care services described in the proposed rule.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Mariaelena Ugarte  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: AHCCCSRules@azahcccs.gov

Proposed rule language will be available on the AHCCCS website [www.azahcccs.gov](http://www.azahcccs.gov) the week of November 24, 2008. Please send written comments to the above address by 5:00 p.m., January 15, 2009. E-mail comments will also be accepted during this timeframe.

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: January 15, 2009  
Time: 3:00 p.m.  
Location: AHCCCS  
701 East Jefferson  
Phoenix, AZ 85034  
Nature: Public Hearing

Date: January 15, 2009  
Time: 3:00 p.m.  
Location: ALTCS: Arizona Long-Term Care System  
1010 N. Finance Center Dr, Suite 201  
Tucson, AZ 85710  
Nature: Public Hearing

Date: January 15, 2009  
Time: 3:00 p.m.  
Location: ALTCS: Arizona Long-Term Care System  
3480 East Route 66  
Flagstaff, AZ 86004  
Nature: Public Hearing

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

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**ARTICLE 5. PROGRAM CONTRACTOR AND PROVIDER STANDARDS**

Section

R9-28-508. ~~Repealed~~ Self Directed Attendant Care (SDAC)

## ARTICLE 5. PROGRAM CONTRACTOR AND PROVIDER STANDARDS

### **R9-28-508. ~~Repealed~~ Self Directed Attendant Care (SDAC)**

**A.** For purposes of this Article the following terms are defined:

“Competent member” means a person who is oriented, has evidence of logical thought and can provide directions.

“Fiscal and Employer Agent” or “FEA” is a company specified by the program contractor or the Administration that serves as an employment/payroll processing center for the attendant care workers employed by the member to provide SDAC services.

“Medically stable” means the member’s skilled care medical needs are routine and not subject to frequent change because of health issues.

“Personal Care” means activities of daily life such as dressing, bathing, eating and mobility.

**B.** In lieu of receiving other attendant care services a competent member or legal guardian may choose to employ through the FEA a person to provide Self Directed Attendant Care (SDAC) services. A paid caregiver described under R9-28-506 and a parent of a minor child is not authorized to receive reimbursement for SDAC services.

**C.** The attendant care worker chosen to provide SDAC services does not need to be a registered provider. The attendant care worker must have at a minimum training in First Aid, CPR, Universal Precautions and State and Federal laws regarding privacy and health information.

**D.** SDAC services shall be provided to a member who resides in their home, the member must not be institutionalized or residing in an alternative residential setting. If the member has a legal guardian the legal guardian must be present when SDAC services are provided.

**E.** The member who has chosen to receive SDAC services is not precluded from receiving medically necessary, cost effective home health services from other agencies or providers as long as the services provided are non-duplicative of the specific attendant care or skilled services already received through the program contractor.

**F.** A competent member or legal guardian may employ an SDAC attendant care worker to provide personal care, homemaker and general supervision services.

**G.** A competent member, who is medically stable, or the member's legal guardian may employ an attendant care worker to also provide the following skilled services:

1. Bowel care, including suppositories, enemas, manual evacuation and digital stimulation.
2. Bladder catheterizations (non-indwelling) that does not require a sterile procedure.
3. Wound care; (non-sterile).
4. Glucose monitoring
5. Glucagon as directed by the health care provider.
6. Insulin; subcutaneous injection only if the member is not able to self-inject. Sliding scale dosing for insulin.
7. Permanent gastrostomy tube feeding.
8. Additional services with the approval of the Director and the Arizona State Board of Nursing.

**H.** For each SDAC attendant care worker employed by a member or legal guardian, a registered nurse licensed under A.R.S. Chapter 32, Title 15 shall visit the member and SDAC attendant care worker before skilled services are provided to assess, educate, and train the member and SDAC attendant care worker regarding the specific skilled service(s) that the member requires. The registered nurse must also determine that the attendant care worker understands how and demonstrates the skill to perform the processes or procedures required to provide the specific skilled service.